

Message Text

CONFIDENTIAL

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43

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14 USIA-12

ACDA-19 MBFR-03 SAJ-01 IO-12 GAC-01 NIC-01 EURE-00

INRE-00 T-03 OMB-01 RSR-01 /132 W
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P R 191805 Z MAR 73
FM USMISSION BERLIN
TO AMEMBASSY PRIORITY
INFO SECSTATE WASHDC 1546
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L BERLIN 481

E. O. 11652: GDS
TAGS: PGOV, PFOR, GW, GE, WB
SUBJ: DRAFT BK/ L ON BASIC TREATY AND INNER- GERMAN AGREEMENTS

REF: A) BERLIN 413; B) STATE 49453

1. ALLIED MISSIONS MADE MINOR DRAFTING CHANGES MARCH 16 IN DRAFT BK/ L ON EXTENSION TO WEST BERLIN OF BASIC TREATY AND OTHER INNER-GERMAN AGREEMENTS REPORTED REF A. THEY AGREED TO RECOMMEND TEXT CONTAINED PARA 2 TO BONN FOR CONSIDERATION BY EMBASSIES. AT SUCH TIME AS EMBASSIES ARE PREPARED TO BROACH TEXT WITH FRG IN BONN GROUP, THEY WOULD SHOW IT TO THE SENAT. DEPARTMENT' S SUGGESTIONS FOR REVISION OF FIRST FOUR PARAGRAPHS OF BK/ L, REF B, WHICH WERE RECEIVED SUBSEQUENTLY, STRIKE US AS USEFUL MODIFICATIONS THAT CAN BE ACCOMMODATED IN TEXT CONTAINED PARA 2 BELOW. WE HAVE INFORMED UK AND FRENCH MISSIONS OF DEPARTMENT' S SUGGESTIONS, NOTING THAT WE UNDERSTAND EMBASSY WILL BE RAISING THESE POINTS IN BONN.

2. BEGIN TEXT:
SUBJECT: APPLICATION OF THE LAW RELATING TO THE BASIC TREATY,
EXTENSION OF OTHER INNER- GERMAN AGREEMENTS OF THE FEDERAL
REPUBLIC
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OF GERMANY TO THE WESTERN SECTORS OF BERLIN, AND REPRESENTATION
BY THE FEDERAL REPUBLIC OF GERMANY OF THE INTERESTS OF THE WESTERN
SECTORS WITH RESPECT TO THE GERMAN DEMOCRATIC REPUBLIC

TO: THE GOVERNING MAYOR, BERLIN

DEAR MR GOVERNING MAYOR,

1. THE ALLIED KOMMANDATURA RAISES NO OBJECTION TO THE APPLICATION TO BERLIN OF THE LAW RELATING TO THE TREATY ON THE BASIS OF RELATIONS BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE GERMAN DEMOCRATIC REPUBLIC. THIS LAW ENVISAGES THE APPLICATION TO THE WESTERN SECTORS OF BERLIN OF CERTAIN CLAUSES OF THE TREATY INCLUDING CERTAIN CLAUSES OF THE DOCUMENTS ATTACHED TO IT, AND CONFORMS TO THE ARRANGEMENTS ENVISAGED BY THE PARTIES TO THE TREATY IN THE DECLARATION MADE BY THEM ON THE OCCASION OF ITS SIGNATURE. THIS DECLARATION PROVIDED THAT THE AGREEMENTS AND REGULATIONS REFERRED TO IN ARTICLE 7 MAY IN APPROPRIATE CASES AND IN ACCORDANCE WITH THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971 BE EXTENDED TO THE WESTERN SECTORS OF BERLIN, AND THAT THE FEDERAL REPUBLIC'S PERMANENT MISSION TO THE GERMAN DEMOCRATIC REPUBLIC PROVIDED FOR IN ARTICLE 8 WILL, IN ACCORDANCE WITH THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971, REPRESENT THE INTERESTS OF THE WESTERN SECTORS OF BERLIN. SUCH EXTENSION AND SUCH REPRESENTATION SHALL IN NO WAY AFFECT THE RIGHTS AND RESPONSIBILITIES OF THE ALLIED AUTHORITIES FOR THE WESTERN SECTORS OF BERLIN, IN PARTICULAR THOSE INVOLVING SECURITY AND STATUS.

2. GIVEN THE SPECIAL NATURE OF THE RELATIONSHIP BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE GERMAN DEMOCRATIC REPUBLIC, THE QUESTION OF THE EXTENSION OF AGREEMENTS BETWEEN THE FRG AND GDR TO THE WESTERN SECTORS OF BERLIN AND THE REPRESENTATION OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN BY THE FRG CAN BE EXPECTED TO BE OF PARTICULAR IMPORTANCE.

3. THE ALLIED KOMMANDATURA CONSIDERS, THEREFORE, THAT, WITH RESPECT TO THE ARRANGEMENTS ENVISAGED IN THE TREATY ON THE BASIS OF RELATIONS AND WITH RESPECT TO OTHER AGREEMENTS THAT MAY BE NEGOTIATED BETWEEN THE PARTIES TO THAT TREATY, IT WOULD BE DESIRABLE TO SET FORTH CONDITIONS SEPARATE FROM THOSE CONTAINED IN BKC/ L(52)6 AND SUBSEQUENT AMENDING DIRECTIVES. ACCORDINGLY,
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